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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,327	03/18/2004	Andrew Kozakow	70473.010200	5578

7590 09/11/2006

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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,327	Applicant(s) KOZAKOW, ANDREW	
	Examiner Mark Spisich	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-19 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Said at least one element attachment member" (claim 21, lines 2-3) lacks antecedent. Applicant should review the claims for any additional informalities.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Downey (USP 2,595,776). The patent to Downey discloses a cleaning implement comprising a handle (5) having an attachment region about which is attached a scrubbing element (6) formed by twice folding a rectangular sheet of cleaning material (fig 3). The term scrubbing alone merely implies a subsequent cleaning operation and does not define a particular material. The recitation of the intended use, in an apparatus claims, fails to distinguish over the prior art.

4. Claims 1,5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Piluso (USP 2,346,782). The patent to Piluso discloses discloses a cleaning implement comprising a handle (11) as well as a cleaning material (10) folded on itself and secured

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about an end of the handle. One could scrub a surface with felt. Recitations as to the intended use of an apparatus, although material in a claim to a method of use, do not serve to distinguish in a claim drawn to the apparatus.

5. Claims 1, 4 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ries (USP 2,214,972). The patent to Ries discloses a cleaning implement comprising a handle (1) as well as a cleaning material (3) attached about an end thereof and which includes three folds (4) about straight fold lines (see fig. 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ries (USP 2,214,972) in view of Kleinpell, II et al (USP 5,836,041). The patent to Ries discloses the invention substantially as claimed with the exception of the handle reinforcement. The provision of reinforcing ribs along the length of an implement handle is known in the art (see column 2, lines 13-26 of Kleinpell). It would have been obvious to one of ordinary skill to have modified the device of Beck as such so as to provide a strong handle without using too much material. With respect to claim 7, the use of plastic is taught by Kleinpell (column 2, lines 48-50) and thus use of plastics is also commonplace because of cost, light weight, etc.

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8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ries (USP 2,214,972). The patent to Ries discloses the invention substantially as claimed with the exception of the scrubbing element, prior to folding, being round. The choice of various shapes of the cleaning element sheet would be obvious to one of ordinary skill so as to conform to different articles to be cleaned.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ries (USP 2,214,972) in view of Beck et al (USP 2,816,313). The patent to Ries discloses the invention substantially as claimed with the exception of the additive. The patent to Beck discloses a device of similar utility and further including a detergent (column 3, lines 22-24). It would have been obvious to one of ordinary skill to have provided such a composition to the device of Ries so that a secondary cleaning composition would not be required.

Allowable Subject Matter

10. Claims 13-19 and 23 are allowed.

11. Claims 21 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed 12 June 2006 have been fully considered but they are not persuasive. Applicant's arguments, at least the ones pertaining to the prior art

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applied in the present office action till be addressed. With regard to each of Downey (USP 2,595,776) and Piluso (USP 2,346,782), differences between the intended use of the prior art and that of the claimed invention are noted; however, such recitations failed to define over the structure of the prior art. The recitation of a "scrubbing" material does not differentiate the type of material over that of Downey (which is paper). This is especially true regarding the patent to Piluso, which discloses a felt material Page 1, column 2, lines 11-13). One could easily scrub a surface with felt. The material (3) of Ries is clearly folded about three straight fold lines (4) (see figure 4). The fact that the material may be subsequently folded or deformed when it is attached to the handle does not change the fact that it is still folded about a straight line prior to its attachment to the handle. As for the term "disposable", any tool or implement could if desired be disposed of after a single use. With regard to the patent to Kleinpell, this is used solely for its teaching of providing reinforcing ribs to a handle.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich
Primary Examiner
Art Unit 1744

MS